

# Senate File 354

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SENATE FILE 354

## AN ACT

IMPLEMENTING THE FEDERAL INDIAN CHILD WELFARE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 232.7 IOWA INDIAN CHILD WELFARE ACT.

1. If a proceeding held under this chapter involves an Indian child as defined in section 232B.3 and the proceeding is subject to the Iowa Indian child welfare Act under chapter 232B, the proceeding and other actions taken in connection with the proceeding or this chapter shall comply with chapter 232B.

2. In any proceeding held or action taken under this chapter involving an Indian child, the applicable requirements of the federal Adoption and Safe Families Act of 1999, Pub. L. No. 105-89, shall be applied to the proceeding or action in a manner that complies with chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608.

Sec. 2. NEW SECTION. 232B.1 SHORT TITLE.

This chapter shall be known and may be cited as the "Iowa Indian Child Welfare Act".

Sec. 3. NEW SECTION. 232B.2 PURPOSE == POLICY OF STATE.

The purpose of the Iowa Indian child welfare Act is to clarify state policies and procedures regarding implementation of the federal Indian Child Welfare Act, Pub. L. No. 95-608, as codified in 25 U.S.C. chapter 21. It is the policy of the state to cooperate fully with Indian tribes and tribal citizens in Iowa in order to ensure that the intent and provisions of the federal Indian Child Welfare Act are enforced. This cooperation includes recognition by the state that Indian tribes have a continuing and compelling governmental interest in an Indian child whether or not the child is in the physical or legal custody of an Indian parent, Indian custodian, or an Indian extended family member at the commencement of a child custody proceeding or the child has resided or domiciled on an Indian reservation. The state is committed to protecting the essential tribal relations and best interest of an Indian child by promoting practices, in accordance with the federal Indian Child Welfare Act and other applicable law, designed to prevent the child's voluntary or involuntary out-of-home placement and, whenever such placement is necessary or ordered, by placing the child, whenever possible, in a foster home, adoptive home, or other type of custodial placement that reflects the unique values of the child's tribal culture and is best able to assist the child in establishing, developing, and maintaining a political, cultural, and social relationship with the child's tribe and tribal community.

Sec. 4. NEW SECTION. 232B.3 DEFINITIONS.

For the purposes of this chapter unless the context otherwise requires:

1. "Adoptive placement" means the permanent placement of an Indian child for adoption including, but not limited to, any action under chapter 232, 600, or 600A resulting in a final decree of adoption. "Adoptive placement" does not include a placement based upon an act by an Indian child which, if committed by an adult, would be deemed a crime, or upon an award, in a divorce proceeding, of custody to one of the child's parents.

2. "Best interest of the child" means the use of practices in accordance with the federal Indian Child Welfare Act, this chapter, and other applicable law, that are designed to prevent the Indian child's voluntary or involuntary out-of-home placement, and whenever such placement is necessary or ordered, placing the child, to the greatest extent possible, in a foster home, adoptive placement, or other type of custodial placement that reflects the unique values of the child's tribal culture and is best able to assist the child in establishing, developing, and maintaining a political, cultural, and social relationship with the Indian child's tribe and tribal community.

3. "Child custody proceeding" means a voluntary or

3 6 involuntary proceeding that may result in an Indian child's  
3 7 adoptive placement, foster care placement, preadoptive  
3 8 placement, or termination of parental rights.  
3 9 4. "Foster care placement" means the temporary placement  
3 10 of an Indian child in an individual or agency foster care  
3 11 placement or in the personal custody of a guardian or  
3 12 conservator prior to the termination of parental rights, from  
3 13 which the child cannot be returned upon demand to the custody  
3 14 of the parent or Indian custodian but there has not been a  
3 15 termination of parental rights. "Foster care placement" does  
3 16 not include a placement based upon an act by an Indian child  
3 17 which, if committed by an adult, would be deemed a crime, or  
3 18 upon an award, in a divorce proceeding, of custody to one of  
3 19 the child's parents.  
3 20 5. "Indian" means a person who is a member of an Indian  
3 21 tribe, or is eligible for membership in an Indian tribe, or  
3 22 who is an Alaska native and a member of a regional corporation  
3 23 as defined in 43 U.S.C. } 1606.  
3 24 6. "Indian child" or "child" means an unmarried Indian  
3 25 person who is under eighteen years of age or a child who is  
3 26 under eighteen years of age that an Indian tribe identifies as  
3 27 a child of the tribe's community.  
3 28 7. "Indian child's family" or "extended family member"  
3 29 means an adult person who is an Indian child's family member  
3 30 or extended family member under the law or custom of the  
3 31 Indian child's tribe or, in absence of such law or custom, an  
3 32 adult person who has any of the following relationships with  
3 33 the Indian child:  
3 34 a. Parent.  
3 35 b. Sibling.  
4 1 c. Grandparent.  
4 2 d. Aunt or uncle.  
4 3 e. Cousin.  
4 4 f. Clan member.  
4 5 g. Band member.  
4 6 h. Brother-in-law.  
4 7 i. Sister-in-law.  
4 8 j. Niece.  
4 9 k. Nephew.  
4 10 l. Stepparent.  
4 11 8. "Indian child's tribe" means a tribe in which an Indian  
4 12 child is a member or eligible for membership.  
4 13 9. "Indian custodian" means an Indian person who under  
4 14 tribal law, tribal custom, or state law, has legal or  
4 15 temporary physical custody of an Indian child.  
4 16 10. "Indian organization" means any of the following  
4 17 entities that is owned or controlled by Indians, or a majority  
4 18 of the members are Indians:  
4 19 a. A group.  
4 20 b. An association.  
4 21 c. A partnership.  
4 22 d. A corporation.  
4 23 e. Other legal entity.  
4 24 11. "Indian tribe" or "tribe" means an Indian tribe, band,  
4 25 nation, or other organized Indian group, or a community of  
4 26 Indians, including any Alaska native village as defined in 43  
4 27 U.S.C. } 1602(c) recognized as eligible for services provided  
4 28 to Indians by the United States secretary of the interior  
4 29 because of the community members' status as Indians.  
4 30 12. "Parent" means a biological parent of an Indian child  
4 31 or a person who has lawfully adopted an Indian child,  
4 32 including adoptions made under tribal law or custom. "Parent"  
4 33 does not include an unwed father whose paternity has not been  
4 34 acknowledged or established. Except for purposes of the  
4 35 federal Indian Child Welfare Act as codified in 25 U.S.C. }  
5 1 1913(b), (c), and (d), 1916, 1917, and 1951, "parent" does not  
5 2 include a person whose parental rights to that child have been  
5 3 terminated.  
5 4 13. "Preadoptive placement" means the temporary placement  
5 5 of an Indian child in an individual or agency foster care  
5 6 placement after the termination of parental rights, but prior  
5 7 to or in lieu of an adoptive placement. "Preadoptive  
5 8 placement" does not include a placement based upon an act by  
5 9 an Indian child which, if committed by an adult, would be  
5 10 deemed a crime, or upon an award, in a divorce proceeding, of  
5 11 custody to one of the child's parents.  
5 12 14. "Reservation" means Indian country as defined in 18  
5 13 U.S.C. } 1151 or land that is not covered under that  
5 14 definition but the title to which is either held by the United  
5 15 States in trust for the benefit of an Indian tribe or Indian  
5 16 person or held by an Indian tribe or Indian person subject to

5 17 a restriction by the United States against alienation.  
5 18 15. "Secretary of the interior" means the secretary of the  
5 19 United States department of the interior.  
5 20 16. "Termination of parental rights" means any action  
5 21 resulting in the termination of the parent-child relationship.  
5 22 "Termination of parental rights" does not include a placement  
5 23 based upon an act by an Indian child which, if committed by an  
5 24 adult, would be deemed a crime, or upon an award, in a divorce  
5 25 proceeding, of custody to one of the child's parents.  
5 26 17. "Tribal court" means a court or body vested by an  
5 27 Indian tribe with jurisdiction over child custody proceedings,  
5 28 including but not limited to a federal court of Indian  
5 29 offenses, a court established and operated under the code or  
5 30 custom of an Indian tribe, or an administrative body of an  
5 31 Indian tribe vested with authority over child custody  
5 32 proceedings.

5 33 Sec. 5. NEW SECTION. 232B.4 APPLICATION OF CHAPTER ==  
5 34 EXEMPTIONS == DETERMINATION OF INDIAN STATUS.

5 35 1. This chapter applies to child custody proceedings  
6 1 involving an Indian child whether the child is in the physical  
6 2 or legal custody of an Indian parent, Indian custodian, or an  
6 3 Indian extended family member or another person at the  
6 4 commencement of the proceedings or whether the child has  
6 5 resided or domiciled on or off an Indian reservation.

6 6 2. The court shall require a party seeking the foster care  
6 7 placement of, termination of parental rights over, or the  
6 8 adoption of, an Indian child to seek to determine whether the  
6 9 child is an Indian child through contact with any Indian tribe  
6 10 in which the child may be a member or eligible for membership,  
6 11 the child's parent, any person who has custody of the child or  
6 12 with whom the child resides, and any other person that  
6 13 reasonably can be expected to have information regarding the  
6 14 child's possible membership or eligibility for membership in  
6 15 an Indian tribe, including but not limited to the United  
6 16 States department of the interior.

6 17 3. A written determination by an Indian tribe that a child  
6 18 is a member of or eligible for membership in that tribe, or  
6 19 testimony attesting to such status by a person authorized by  
6 20 the tribe to provide that determination, shall be conclusive.  
6 21 A written determination by an Indian tribe, or testimony by a  
6 22 person authorized by the tribe to provide that determination  
6 23 or testimony, that a child is not a member of or eligible for  
6 24 membership in that tribe shall be conclusive as to that tribe.  
6 25 If an Indian tribe does not provide evidence of the child's  
6 26 status as an Indian child, the court shall determine the  
6 27 child's status.

6 28 4. The determination of the Indian status of a child shall  
6 29 be made as soon as practicable in order to serve the best  
6 30 interest of the child and to ensure compliance with the notice  
6 31 requirements of this chapter.

6 32 Sec. 6. NEW SECTION. 232B.5 INDIAN CHILD CUSTODY  
6 33 PROCEEDINGS == JURISDICTION == NOTICE == TRANSFER OF  
6 34 PROCEEDINGS.

6 35 1. An Indian tribe has jurisdiction exclusive as to this  
7 1 state over any child custody proceeding held in this state  
7 2 involving an Indian child who resides or is domiciled within  
7 3 the reservation of that tribe, except when the jurisdiction is  
7 4 otherwise vested in this state by existing federal law. If an  
7 5 Indian child is a ward of a tribal court, the Indian tribe  
7 6 shall retain exclusive jurisdiction, notwithstanding the  
7 7 residence or domicile of the child.

7 8 2. The federal Indian Child Welfare Act and this chapter  
7 9 are applicable without exception in any child custody  
7 10 proceeding involving an Indian child. A state court does not  
7 11 have discretion to determine the applicability of the federal  
7 12 Indian Child Welfare Act or this chapter to a child custody  
7 13 proceeding based upon whether an Indian child is part of an  
7 14 existing Indian family.

7 15 3. In a child custody proceeding, the court or any party  
7 16 to the proceeding shall be deemed to know or have reason to  
7 17 know that an Indian child is involved whenever any of the  
7 18 following circumstances exist:

7 19 a. A party to the proceeding or the court has been  
7 20 informed by any interested person, an officer of the court, a  
7 21 tribe, an Indian organization, a public or private agency, or  
7 22 a member of the child's extended family that the child is or  
7 23 may be an Indian child.

7 24 b. The child who is the subject of the proceeding gives  
7 25 the court reason to believe the child is an Indian child.

7 26 c. The court or a party to the proceeding has reason to  
7 27 believe the residence or domicile of the child is in a

7 28 predominantly Indian community.  
7 29 4. In any involuntary child custody proceeding, including  
7 30 review hearings following an adjudication, the court shall  
7 31 establish in the record that the party seeking the foster care  
7 32 placement of, or termination of parental rights over, or the  
7 33 adoption of an Indian child has sent notice by registered  
7 34 mail, return receipt requested, to all of the following:  
7 35 a. The child's parents.  
8 1 b. The child's Indian custodians.  
8 2 c. Any tribe in which the child may be a member or  
8 3 eligible for membership.  
8 4 5. If the identity or location of the child's parent,  
8 5 Indian custodian, or tribe cannot be determined, the notice  
8 6 under subsection 4 shall be provided to the secretary of the  
8 7 interior, who shall have fifteen days after receipt of the  
8 8 notice to provide the notice to the child's parent, Indian  
8 9 custodian, and tribe. A foster care placement or termination  
8 10 of parental rights proceeding involving the child shall not be  
8 11 held until at least ten days after receipt of notice by the  
8 12 child's parent, Indian custodian, and tribe, or the secretary  
8 13 of the interior. Upon request, the child's parent or Indian  
8 14 custodian or tribe shall be granted up to twenty additional  
8 15 days after receipt of the notice to prepare for the  
8 16 proceeding.  
8 17 6. The court shall also establish in the record that a  
8 18 notice of any involuntary custody proceeding has been sent to  
8 19 the Indian child's tribe. The tribe may provide notice of the  
8 20 proceeding to any of the child's extended family members.  
8 21 7. The notice in any involuntary child custody proceeding  
8 22 involving an Indian child shall be written in clear and  
8 23 understandable language and shall include all of the following  
8 24 information:  
8 25 a. The name and tribal affiliation of the Indian child.  
8 26 b. A copy of the petition by which the proceeding was  
8 27 initiated.  
8 28 c. A statement listing the rights of the child's parents,  
8 29 Indian custodians, and tribes and, if applicable, the rights  
8 30 of the Indian child's family. The rights shall include all of  
8 31 the following:  
8 32 (1) The right to intervene in the proceeding.  
8 33 (2) The right to petition the court to transfer the  
8 34 proceeding to the tribal court of the Indian child's tribe.  
8 35 (3) The right to be granted up to an additional twenty  
9 1 days from the receipt of the notice to prepare for the  
9 2 proceeding.  
9 3 (4) The right to request that the court grant further  
9 4 extensions of time.  
9 5 (5) In the case of an extended family member, the right to  
9 6 intervene and be considered as a preferred placement for the  
9 7 child.  
9 8 d. A statement of the potential legal consequences of an  
9 9 adjudication on the future custodial rights of the child's  
9 10 parents or Indian custodians.  
9 11 e. A statement that if the parents or Indian custodians  
9 12 are unable to afford counsel in an involuntary proceeding,  
9 13 counsel will be appointed to represent the parents or  
9 14 custodians.  
9 15 f. A statement that the court may appoint counsel for the  
9 16 child upon a finding that the appointment is in the best  
9 17 interest of the child.  
9 18 g. A statement that the information contained in the  
9 19 notice, petition, pleading, and other court documents is  
9 20 confidential.  
9 21 h. A statement that the child's tribe may provide notice  
9 22 of the proceeding to any of the child's extended family  
9 23 members along with copies of other related documents.  
9 24 8. In a voluntary child custody proceeding involving an  
9 25 Indian child, including but not limited to a review hearing,  
9 26 the court shall establish in the record that the party seeking  
9 27 the foster care placement of, termination of parental rights  
9 28 to, or the permanent placement of, an Indian child has sent  
9 29 notice at least ten days prior to the hearing by registered  
9 30 mail, return receipt requested, to all of the following:  
9 31 a. The child's parents, except for a parent whose parental  
9 32 rights have been terminated.  
9 33 b. The child's Indian custodians, except for a custodian  
9 34 whose parental or Indian custodian rights have been  
9 35 terminated.  
10 1 c. Any tribe in which the child may be a member or  
10 2 eligible for membership.  
10 3 9. The notice in a voluntary child custody proceeding

10 4 involving an Indian child shall be written in clear and  
10 5 understandable language and shall include all of the following  
10 6 information:

- 10 7 a. The name and tribal affiliation of the child.
- 10 8 b. A copy of the petition by which the proceeding was  
10 9 initiated.
- 10 10 c. A statement listing the rights of the child's parents,  
10 11 Indian custodians, Indian tribe or tribes, and, if applicable,  
10 12 extended family members. The rights shall include all of the  
10 13 following:
  - 10 14 (1) The right to intervene in the proceeding.
  - 10 15 (2) The right to petition the court to transfer a foster  
10 16 care placement or termination of parental rights proceeding to  
10 17 the tribal court of the Indian child's tribe.
  - 10 18 (3) In the case of extended family members, the right to  
10 19 intervene and be considered as a preferred placement for the  
10 20 child.
- 10 21 d. A statement that the information contained in the  
10 22 notice, petition, pleading, and any other court document shall  
10 23 be kept confidential.
- 10 24 e. A statement that the child's tribe may provide notice  
10 25 of the proceeding to any of the child's extended family  
10 26 members along with copies of other related documents.

10 27 10. Unless either of an Indian child's parents objects, in  
10 28 any child custody proceeding involving an Indian child who is  
10 29 not domiciled or residing within the jurisdiction of the  
10 30 Indian child's tribe, the court shall transfer the proceeding  
10 31 to the jurisdiction of the Indian child's tribe, upon the  
10 32 petition of any of the following persons:

- 10 33 a. Either of the child's parents.
- 10 34 b. The child's Indian custodian.
- 10 35 c. The child's tribe.

11 1 11. Notwithstanding entry of an objection to a transfer of  
11 2 proceedings as described in subsection 10, the court shall  
11 3 reject any objection that is inconsistent with the purposes of  
11 4 this chapter, including but not limited to any objection that  
11 5 would prevent maintaining the vital relationship between  
11 6 Indian tribes and the tribes' children and would interfere  
11 7 with the policy that the best interest of an Indian child  
11 8 require that the child be placed in a foster or adoptive home  
11 9 that reflects the unique values of Indian culture.

11 10 12. A transfer of proceedings under subsection 10 may be  
11 11 declined by the tribal court of the Indian child's tribe. If  
11 12 the tribal court declines to assume jurisdiction, the state  
11 13 court shall reassume jurisdiction and shall apply all of the  
11 14 following in any proceeding:

- 11 15 a. The requirements of the federal Indian Child Welfare  
11 16 Act.
- 11 17 b. This chapter.
- 11 18 c. The applicable provisions of any agreement between the  
11 19 Indian child's tribe and the state concerning the welfare,  
11 20 care, and custody of Indian children.

11 21 13. If a petition to transfer proceedings as described in  
11 22 subsection 10 is filed, the court shall find good cause to  
11 23 deny the petition only if one or more of the following  
11 24 circumstances are shown to exist:

- 11 25 a. The tribal court of the child's tribe declines the  
11 26 transfer of jurisdiction.
- 11 27 b. The tribal court does not have subject matter  
11 28 jurisdiction under the laws of the tribe or federal law.
- 11 29 c. Circumstances exist in which the evidence necessary to  
11 30 decide the case cannot be presented in the tribal court  
11 31 without undue hardship to the parties or the witnesses, and  
11 32 the tribal court is unable to mitigate the hardship by making  
11 33 arrangements to receive and consider the evidence or testimony  
11 34 by use of remote communication, by hearing the evidence or  
11 35 testimony at a location convenient to the parties or  
12 1 witnesses, or by use of other means permitted in the tribal  
12 2 court's rules of evidence or discovery.
- 12 3 d. An objection to the transfer is entered in accordance  
12 4 with subsection 10.

12 5 14. The Indian child's tribe or tribes and Indian  
12 6 custodian have the right to intervene at any point in any  
12 7 foster care placement or termination of parental rights  
12 8 proceeding involving the child. The Indian child's tribe  
12 9 shall also have the right to intervene at any point in any  
12 10 adoption proceeding involving the child. Any member of the  
12 11 Indian child's family may intervene in an adoption proceeding  
12 12 involving the child for the purpose of petitioning the court  
12 13 for the adoptive placement of the child in accordance with the  
12 14 order of preference provided for in this chapter.

12 15 15. The state shall give full faith and credit to the  
12 16 public acts, records, judicial proceedings, and judgments of  
12 17 any Indian tribe applicable to the Indian child custody  
12 18 proceedings.

12 19 16. In any proceeding in which the court determines  
12 20 indigency of the Indian child's parent or Indian custodian,  
12 21 the parent or Indian custodian shall have the right to court=  
12 22 appointed counsel in any removal, placement, or termination of  
12 23 parental rights. The child shall also have the right to  
12 24 court-appointed counsel in any removal, placement, termination  
12 25 of parental rights, or other permanency proceedings.

12 26 17. Each party to a foster care placement or termination  
12 27 of parental rights proceeding involving an Indian child shall  
12 28 have the right to examine all reports or other documents filed  
12 29 with the court upon which any decision with respect to the  
12 30 proceeding may be based.

12 31 18. Any person or court involved in the foster care,  
12 32 preadoptive placement, or adoptive placement of an Indian  
12 33 child shall use the services of the Indian child's tribe or  
12 34 tribes, whenever available through the tribe or tribes, in  
12 35 seeking to secure placement within the order of placement  
13 1 preference established in section 232B.9 and in the  
13 2 supervision of the placement.

13 3 19. A party seeking an involuntary foster care placement  
13 4 of or termination of parental rights over an Indian child  
13 5 shall provide evidence to the court that active efforts have  
13 6 been made to provide remedial services and rehabilitative  
13 7 programs designed to prevent the breakup of the Indian family  
13 8 and that these efforts have proved unsuccessful. The court  
13 9 shall not order the placement or termination, unless the  
13 10 evidence of active efforts shows there has been a vigorous and  
13 11 concerted level of case work beyond the level that typically  
13 12 constitutes reasonable efforts as defined in sections 232.57  
13 13 and 232.102. Reasonable efforts shall not be construed to be  
13 14 active efforts. The active efforts must be made in a manner  
13 15 that takes into account the prevailing social and cultural  
13 16 values, conditions, and way of life of the Indian child's  
13 17 tribe. Active efforts shall utilize the available resources  
13 18 of the Indian child's extended family, tribe, tribal and other  
13 19 Indian social service agencies, and individual Indian  
13 20 caregivers. Active efforts shall include but are not limited  
13 21 to all of the following:

13 22 a. A request to the Indian child's tribe to convene  
13 23 traditional and customary support and resolution actions or  
13 24 services.

13 25 b. Identification and participation of tribally designated  
13 26 representatives at the earliest point.

13 27 c. Consultation with extended family members to identify  
13 28 family structure and family support services that may be  
13 29 provided by extended family members.

13 30 d. Frequent visitation in the Indian child's home and the  
13 31 homes of the child's extended family members.

13 32 e. Exhaustion of all tribally appropriate family  
13 33 preservation alternatives.

13 34 f. Identification and provision of information to the  
13 35 child's family concerning community resources that may be able  
14 1 to offer housing, financial, and transportation assistance and  
14 2 actively assisting the family in accessing the community  
14 3 resources.

14 4 20. The state of Iowa recognizes that an Indian tribe may  
14 5 contract with another Indian tribe for supervision regarding  
14 6 placement, case management, and the provision of services to  
14 7 an Indian child.

14 8 Sec. 7. NEW SECTION. 232B.6 EMERGENCY REMOVAL OF INDIAN  
14 9 CHILD == FOSTER CARE PLACEMENT == TERMINATION OF PARENTAL  
14 10 RIGHTS.

14 11 1. This chapter shall not be construed to prevent the  
14 12 emergency removal of an Indian child who is a resident of or  
14 13 is domiciled on an Indian reservation, but is temporarily  
14 14 located off the reservation, or is away from the child's  
14 15 parent or Indian custodian, or the emergency placement of such  
14 16 child in a foster home or institution, under applicable state  
14 17 law, in order to prevent imminent physical damage or harm to  
14 18 the child. In a case of emergency removal of an Indian child,  
14 19 regardless of residence or domicile of the child, the state  
14 20 shall ensure that the emergency removal or placement  
14 21 terminates immediately when the removal or placement is no  
14 22 longer necessary to prevent imminent physical damage or harm  
14 23 to the child and shall expeditiously initiate a child custody  
14 24 proceeding subject to the provisions of this chapter, transfer  
14 25 the child to the jurisdiction of the appropriate Indian tribe,

14 26 or restore the child to the child's parent or Indian  
14 27 custodian, as may be appropriate.

14 28 2. Within three business days following the issuance of an  
14 29 order of emergency removal or placement of an Indian child,  
14 30 the court issuing the order shall notify the Indian child's  
14 31 tribe of the emergency removal or placement by registered  
14 32 mail, return receipt requested. The notice shall include the  
14 33 court order, the petition, if applicable, any information  
14 34 required by this chapter, and a statement informing the  
14 35 child's tribe of the tribe's right to intervene in the  
15 1 proceeding.

15 2 3. A motion, application, or petition commencing an  
15 3 emergency or temporary removal under section 232.79 or 232.95  
15 4 or foster care placement proceeding under chapter 232  
15 5 involving an Indian child shall be accompanied by all of the  
15 6 following:

15 7 a. An affidavit containing the names, tribal affiliations,  
15 8 and addresses of the Indian child, and of the child's parents  
15 9 and Indian custodians.

15 10 b. A specific and detailed account of the circumstances  
15 11 supporting the removal of the child.

15 12 c. All reports or other documents from each public or  
15 13 private agency involved with the emergency or temporary  
15 14 removal that are filed with the court and upon which any  
15 15 decision may be based. The reports shall include all of the  
15 16 following information, when available:

15 17 (1) The name of each agency.  
15 18 (2) The names of agency administrators and professionals  
15 19 involved in the removal.  
15 20 (3) A description of the emergency justifying the removal  
15 21 of the child.  
15 22 (4) All observations made and actions taken by the agency.  
15 23 (5) The date, time, and place of each such action.  
15 24 (6) The signatures of all agency personnel involved.  
15 25 (7) A statement of the specific actions taken and to be  
15 26 taken by each involved agency to effectuate the safe return of  
15 27 the child to the custody of the child's parent or Indian  
15 28 custodian.

15 29 4. An emergency removal or placement of an Indian child  
15 30 shall immediately terminate, and any court order approving the  
15 31 removal or placement shall be vacated, when the removal or  
15 32 placement is no longer necessary to prevent imminent physical  
15 33 damage or harm to the child. In no case shall an emergency  
15 34 removal or placement order remain in effect for more than  
15 35 fifteen days unless, upon a showing that continuation of the  
16 1 order is necessary to prevent imminent physical damage or harm  
16 2 to the child, the court extends the order for a period not to  
16 3 exceed an additional thirty days. If the Indian child's tribe  
16 4 has been identified, the court shall notify the tribe of the  
16 5 date and time of any hearing scheduled to determine whether to  
16 6 extend an emergency removal or placement order.

16 7 5. Upon termination of the emergency removal or placement  
16 8 order, the child shall immediately be returned to the custody  
16 9 of the child's parent or Indian custodian unless any of the  
16 10 following circumstances exist:

16 11 a. The child is transferred to the jurisdiction of the  
16 12 child's tribe.

16 13 b. In an involuntary foster care placement proceeding  
16 14 pursuant to the federal Indian Child Welfare Act, the court  
16 15 orders that the child shall be placed in foster care upon a  
16 16 determination, supported by clear and convincing evidence,  
16 17 including testimony by qualified expert witnesses, that  
16 18 custody of the child by the child's parent or Indian custodian  
16 19 is likely to result in serious emotional or physical damage to  
16 20 the child.

16 21 c. The child's parent or Indian custodian voluntarily  
16 22 consents to the foster care placement of the child pursuant to  
16 23 the provisions of the federal Indian Child Welfare Act.

16 24 6. a. Termination of parental rights over an Indian child  
16 25 shall not be ordered in the absence of a determination,  
16 26 supported by evidence beyond a reasonable doubt, including the  
16 27 testimony of qualified expert witnesses, that the continued  
16 28 custody of the child by the child's parent or Indian custodian  
16 29 is likely to result in serious emotional or physical damage to  
16 30 the child.

16 31 b. Foster care placement of an Indian child shall not be  
16 32 ordered in the absence of a determination, supported by clear  
16 33 and convincing evidence, including the testimony of qualified  
16 34 expert witnesses, that the continued custody of the child by  
16 35 the child's parent or Indian custodian is likely to result in  
17 1 serious emotional or physical damage to the child.

17 2 Sec. 8. NEW SECTION. 232B.7 PARENTAL RIGHTS == VOLUNTARY  
17 3 TERMINATION OR FOSTER CARE PLACEMENT.

17 4 1. If an Indian child's parent or Indian custodian  
17 5 voluntarily consents to a foster care placement of the child  
17 6 or to termination of parental rights, the consent shall not be  
17 7 valid unless executed in writing and recorded before a judge  
17 8 of a court of competent jurisdiction and accompanied by the  
17 9 judge's certificate that the terms and consequences of the  
17 10 consent were fully explained in detail and were fully  
17 11 understood by the parent or Indian custodian. The court shall  
17 12 also certify that either the parent or Indian custodian fully  
17 13 understood the explanation in English or that it was  
17 14 interpreted into a language that the parent or Indian  
17 15 custodian understood. Notwithstanding section 600A.4 or any  
17 16 other provision of law, any consent for release of custody  
17 17 given prior to, or within ten days after, the birth of the  
17 18 Indian child shall not be valid.

17 19 2. An Indian child's parent or Indian custodian may  
17 20 withdraw consent to a foster care placement at any time and,  
17 21 upon the withdrawal of consent, the child shall be returned to  
17 22 the parent or Indian custodian.

17 23 3. In a voluntary proceeding for termination of parental  
17 24 rights to, or adoptive placement of, an Indian child, the  
17 25 consent of the parent may be withdrawn for any reason at any  
17 26 time prior to the entry of a final decree of termination or  
17 27 adoption, as the case may be, and the child shall be returned  
17 28 to the parent.

17 29 4. After the entry of a final decree of adoption of an  
17 30 Indian child, the parent may withdraw consent to the adoption  
17 31 upon the grounds that consent was obtained through fraud or  
17 32 duress and may petition the court to vacate the decree. Upon  
17 33 a finding that such consent was obtained through fraud or  
17 34 duress, the court shall vacate the decree and return the child  
17 35 to the parent. However, an adoption which has been effective  
18 1 for at least two years shall not be invalidated under the  
18 2 provisions of this subsection unless otherwise permitted under  
18 3 state law.

18 4 Sec. 9. NEW SECTION. 232B.8 RETURN OF CUSTODY ==  
18 5 IMPROPER REMOVAL OF CHILD FROM CUSTODY == PROTECTION OF RIGHTS  
18 6 OF PARENT OR INDIAN CUSTODIAN.

18 7 1. If a final decree of adoption of an Indian child has  
18 8 been vacated or set aside or the adoptive parents voluntarily  
18 9 consent to the termination of their parental rights to the  
18 10 child, a biological parent or prior Indian custodian may  
18 11 petition for return of custody and the court shall grant the  
18 12 petition unless there is a showing, in a proceeding subject to  
18 13 the provisions of this chapter, that the return of custody is  
18 14 not in the best interest of the child.

18 15 2. If an Indian child is removed from a foster care home  
18 16 or institution for the purpose of further foster care,  
18 17 preadoptive, or adoptive placement, the placement shall be in  
18 18 accordance with the provisions of this chapter, except when an  
18 19 Indian child is being returned to the parent or Indian  
18 20 custodian from whose custody the child was originally removed.

18 21 3. If a petitioner in an Indian child custody proceeding  
18 22 before a state court has improperly removed the child from the  
18 23 custody of the parent or Indian custodian or has improperly  
18 24 retained custody after a visit or other temporary  
18 25 relinquishment of custody, the court shall decline  
18 26 jurisdiction over the petition and shall immediately return  
18 27 the child to the child's parent or Indian custodian unless  
18 28 returning the child to the parent or Indian custodian would  
18 29 subject the child to a substantial and immediate danger or  
18 30 threat of such danger.

18 31 4. If another state or federal law applicable to a child  
18 32 custody proceeding held under state or federal law provides a  
18 33 higher standard of protection to the rights of the parent or  
18 34 Indian custodian of an Indian child than the rights provided  
18 35 under this chapter, the court shall apply the higher standard.

19 1 Sec. 10. NEW SECTION. 232B.9 PLACEMENT PREFERENCES.

19 2 1. In any adoptive or other permanent placement of an  
19 3 Indian child, preference shall be given to a placement with  
19 4 one of the following, in descending priority order:

- 19 5 a. A member of the Indian child's family.
- 19 6 b. Other members of the Indian child's tribe.
- 19 7 c. Another Indian family.
- 19 8 d. A non-Indian family approved by the Indian child's  
19 9 tribe.

19 10 e. A non-Indian family that is committed to enabling the  
19 11 child to have extended family visitation and participation in  
19 12 the cultural and ceremonial events of the child's tribe.



19 13 2. An emergency removal, foster care, or preadoptive  
19 14 placement of an Indian child shall be in the least restrictive  
19 15 setting which most approximates a family situation and in  
19 16 which the child's special needs, if any, may be met. The  
19 17 child shall also be placed within reasonable proximity to the  
19 18 child's home, taking into account any special needs of the  
19 19 child. In any foster care or preadoptive placement, a  
19 20 preference shall be given to the child's placement with one of  
19 21 the following in descending priority order:  
19 22 a. A member of the child's extended family.  
19 23 b. A foster home licensed, approved, or specified by the  
19 24 child's tribe.  
19 25 c. An Indian foster home licensed or approved by an  
19 26 authorized non-Indian licensing authority.  
19 27 d. A child foster care agency approved by an Indian tribe  
19 28 or operated by an Indian organization which has a program  
19 29 suitable to meet the Indian child's needs.  
19 30 e. A non-Indian child foster care agency approved by the  
19 31 child's tribe.  
19 32 f. A non-Indian family committed to enabling the child to  
19 33 have extended family visitation and participation in the  
19 34 cultural and ceremonial events of the child's tribe.  
19 35 3. To the greatest possible extent, a placement made in  
20 1 accordance with subsection 1 or 2 shall be made in the best  
20 2 interest of the child.  
20 3 4. An adoptive placement of an Indian child shall not be  
20 4 ordered in the absence of a determination, supported by clear  
20 5 and convincing evidence including the testimony of qualified  
20 6 expert witnesses, that the placement of the child is in the  
20 7 best interest of the child.  
20 8 5. Notwithstanding the placement preferences listed in  
20 9 subsections 1 and 2, if a different order of placement  
20 10 preference is established by the child's tribe or in a binding  
20 11 agreement between the child's tribe and the state entered into  
20 12 pursuant to section 232B.11, the court or agency effecting the  
20 13 placement shall follow the order of preference established by  
20 14 the tribe or in the agreement.  
20 15 6. As appropriate, the placement preference of the Indian  
20 16 child or parent shall be considered. In applying the  
20 17 preferences, a consenting parent's request for anonymity shall  
20 18 also be given weight by the court or agency effecting the  
20 19 placement. Unless there is clear and convincing evidence that  
20 20 placement within the order of preference applicable under  
20 21 subsection 1, 2, or 5 would be harmful to the Indian child,  
20 22 consideration of the preference of the Indian child or parent  
20 23 or a parent's request for anonymity shall not be a basis for  
20 24 placing an Indian child outside of the applicable order of  
20 25 preference.  
20 26 7. The prevailing social and cultural standards of the  
20 27 Indian community in which the parent or extended family  
20 28 members of an Indian child reside, or with which such parent  
20 29 or extended family members maintain social and cultural ties,  
20 30 or the prevailing social and cultural standards of the Indian  
20 31 child's tribe shall be applied in qualifying any placement  
20 32 having a preference under this section. A determination of  
20 33 the applicable prevailing social and cultural standards shall  
20 34 be confirmed by the testimony or other documented support of  
20 35 qualified expert witnesses.  
21 1 8. A record of each foster care placement, emergency  
21 2 removal, preadoptive placement, or adoptive placement of an  
21 3 Indian child, under the laws of this state, shall be  
21 4 maintained in perpetuity by the department of human services  
21 5 in accordance with section 232B.13. The record shall document  
21 6 the active efforts to comply with the applicable order of  
21 7 preference specified in this section.  
21 8 9. The state of Iowa recognizes the authority of Indian  
21 9 tribes to license foster homes and to license agencies to  
21 10 receive children for control, care, and maintenance outside of  
21 11 the children's own homes, or to place, receive, arrange the  
21 12 placement of, or assist in the placement of children for  
21 13 foster care or adoption. The department of human services and  
21 14 child-placing agencies licensed under chapter 238 may place  
21 15 children in foster homes and facilities licensed by an Indian  
21 16 tribe.  
21 17 Sec. 11. NEW SECTION. 232B.10 TRIBALLY RECOGNIZED EXPERT  
21 18 WITNESSES == STANDARD OF PROOF == CHANGE OF PLACEMENT.  
21 19 1. For the purposes of this section, unless the context  
21 20 otherwise requires, a "qualified expert witness" may include,  
21 21 but is not limited to, a social worker, sociologist,  
21 22 physician, psychologist, traditional tribal therapist and  
21 23 healer, spiritual leader, historian, or elder.

21 24 2. In considering whether to involuntarily place an Indian  
21 25 child in foster care or to terminate the parental rights of  
21 26 the parent of an Indian child, the court shall require that  
21 27 qualified expert witnesses with specific knowledge of the  
21 28 child's Indian tribe testify regarding that tribe's family  
21 29 organization and child-rearing practices, and regarding  
21 30 whether the tribe's culture, customs, and laws would support  
21 31 the placement of the child in foster care or the termination  
21 32 of parental rights on the grounds that continued custody of  
21 33 the child by the parent or Indian custodian is likely to  
21 34 result in serious emotional or physical damage to the child.

21 35 3. In the following descending order of preference, a  
22 1 qualified expert witness is a person who is one of the  
22 2 following:

22 3 a. A member of the child's Indian tribe who is recognized  
22 4 by the child's tribal community as knowledgeable regarding  
22 5 tribal customs as the customs pertain to family organization  
22 6 or child-rearing practices.

22 7 b. A member of another tribe who is formally recognized by  
22 8 the Indian child's tribe as having the knowledge to be a  
22 9 qualified expert witness.

22 10 c. A layperson having substantial experience in the  
22 11 delivery of child and family services to Indians, and  
22 12 substantial knowledge of the prevailing social and cultural  
22 13 standards and child-rearing practices within the Indian  
22 14 child's tribe.

22 15 d. A professional person having substantial education and  
22 16 experience in the person's professional specialty and having  
22 17 substantial knowledge of the prevailing social and cultural  
22 18 standards and child-rearing practices within the Indian  
22 19 child's tribe.

22 20 e. A professional person having substantial education and  
22 21 experience in the person's professional specialty and having  
22 22 extensive knowledge of the customs, traditions, and values of  
22 23 the Indian child's tribe as the customs, traditions, and  
22 24 values pertain to family organization and child-rearing  
22 25 practices. Prior to accepting the testimony of a qualified  
22 26 expert witness described in this lettered paragraph, the court  
22 27 shall document the efforts made to secure a qualified expert  
22 28 witness described in paragraphs "a", "b", "c", and "d". The  
22 29 efforts shall include but are not limited to contacting the  
22 30 Indian child's tribe's governing body, that tribe's Indian  
22 31 Child Welfare Act office, and the tribe's social service  
22 32 office.

22 33 Sec. 12. NEW SECTION. 232B.11 AGREEMENTS WITH TRIBES FOR  
22 34 CARE AND CUSTODY OF INDIAN CHILDREN.

22 35 1. The director of human services or the director's  
23 1 designee shall make a good faith effort to enter into  
23 2 agreements with Indian tribes regarding jurisdiction over  
23 3 child custody proceedings and the care and custody of Indian  
23 4 children whose tribes have land within Iowa, including but not  
23 5 limited to the Sac and Fox tribe, the Omaha tribe, the Ponca  
23 6 tribe, and the Winnebago tribe, and whose tribes have an  
23 7 Indian child who resides in the state of Iowa. An agreement  
23 8 shall seek to promote the continued existence and integrity of  
23 9 the Indian tribe as a political entity and the vital interest  
23 10 of Indian children in securing and maintaining a political,  
23 11 cultural, and social relationship with their tribes. An  
23 12 agreement shall assure that tribal services and Indian  
23 13 organizations or agencies are used to the greatest extent  
23 14 practicable in planning and implementing any action pursuant  
23 15 to the agreement concerning the care and custody of Indian  
23 16 children. If tribal services are not available, an agreement  
23 17 shall assure that community services and resources developed  
23 18 specifically for Indian families will be used.

23 19 2. If an agreement entered into between the tribe and the  
23 20 department of human services pertaining to the funding of  
23 21 foster care placements for Indian children conflicts with any  
23 22 federal or state law, the state in a timely, good faith manner  
23 23 shall agree to amend the agreement in a way that prevents any  
23 24 interruption of services to eligible Indian children.

23 25 3. An agreement entered into under this section may be  
23 26 revoked by either party by giving one hundred eighty days'  
23 27 advance written notice to the other party. The revocation  
23 28 shall not affect any action or proceeding over which a court  
23 29 has already assumed jurisdiction, unless the agreement  
23 30 provides otherwise.

23 31 Sec. 13. NEW SECTION. 232B.12 PAYMENT OF FOSTER CARE  
23 32 EXPENSES.

23 33 1. If the department of human services has legal custody  
23 34 of an Indian child and that child is placed in foster care

23 35 according to the placement preferences under section 232B.9  
24 1 the state shall pay, subject to any applicable federal funding  
24 2 limitations and requirements, the cost of the foster care in  
24 3 the manner and to the same extent the state pays for foster  
24 4 care of non-Indian children, including the administrative and  
24 5 training costs associated with the placement. In addition,  
24 6 the state shall pay the other costs related to the foster care  
24 7 placement of an Indian child as may be provided for in an  
24 8 agreement entered into between a tribe and the state.

24 9 2. The department of human services may, subject to any  
24 10 applicable federal funding limitations and requirements and  
24 11 within funds appropriated for foster care services, purchase  
24 12 care for Indian children who are in the custody of a federally  
24 13 recognized Indian tribe or tribally licensed child-placing  
24 14 agency pursuant to parental consent, tribal court order, or  
24 15 state court order; and the purchase of the care is subject to  
24 16 the same eligibility standards and rates of support applicable  
24 17 to other children for whom the department purchases care.

24 18 Sec. 14. NEW SECTION. 232B.13 RECORDS.

24 19 1. The department of human services shall establish an  
24 20 automated database where a permanent record shall be  
24 21 maintained of every involuntary or voluntary foster care,  
24 22 preadoptive placement, or adoptive placement of an Indian  
24 23 child that is ordered by a court of this state and in which  
24 24 the department was involved. The automated record shall  
24 25 document the active efforts made to comply with the order of  
24 26 placement preference specified in section 232B.9. An Indian  
24 27 child's placement record shall be maintained in perpetuity by  
24 28 the department of human services and shall include but is not  
24 29 limited to the name, birthdate, and gender of the Indian  
24 30 child, and the location of the local department office that  
24 31 maintains the original file and documents containing the  
24 32 information listed in subsection 2.

24 33 2. Each county department of human services, state=  
24 34 licensed child-placing agency, private attorney, and medical  
24 35 facility involved in the involuntary or voluntary foster care  
25 1 placement, preadoptive placement, or adoptive placement of an  
25 2 Indian child shall maintain in perpetuity a record of the  
25 3 placement. The record shall include, but is not limited to,  
25 4 all of the following information:

25 5 a. The name and tribal affiliation of the child.  
25 6 b. The location of the child's Indian tribe or tribes.  
25 7 c. The names and addresses of the child's biological  
25 8 parents.  
25 9 d. The child's certificate of degree of Indian blood.  
25 10 e. The child's tribal enrollment or other membership  
25 11 documentation, if any.  
25 12 f. The child's medical records.  
25 13 g. The social and medical history of the child's  
25 14 biological family.  
25 15 h. The names, ages, and gender of the child's siblings.  
25 16 i. The names, ages, and gender of the child's kinship or  
25 17 extended family members.  
25 18 j. The names and addresses of the child's adoptive  
25 19 parents.

25 20 k. The identity of any agency having files or information  
25 21 relating to the placement.  
25 22 l. All reports concerning the child or the child's family,  
25 23 including detailed information regarding case plans and other  
25 24 efforts to rehabilitate the parents of the child.  
25 25 m. A record of efforts made to place the child within and  
25 26 outside of the placement preferences under section 232B.9.  
25 27 n. A statement of the reason for the final placement  
25 28 decision.

25 29 3. If a court orders the foster care, preadoptive  
25 30 placement, or adoptive placement of an Indian child, the court  
25 31 and any state-licensed child-placing agency involved in the  
25 32 placement shall provide the department of human services with  
25 33 the records described in subsections 1 and 2.

25 34 4. A record maintained pursuant to this section by the  
25 35 department of human services, a county department of human  
26 1 services, state-licensed child-placing agency, private  
26 2 attorney, or medical facility shall be made available within  
26 3 seven days of a request for the record by the Indian child's  
26 4 tribe or the secretary of the interior.

26 5 5. Upon the request of an Indian individual who is  
26 6 eighteen years of age or older, or upon the request of an  
26 7 Indian child's parent, Indian custodian, attorney, guardian ad  
26 8 litem, guardian, legal custodian, or caseworker of the Indian  
26 9 child, the department of human services, a county department  
26 10 of human services, state-licensed child-placing agency,

26 11 private attorney, or medical facility shall provide access to  
26 12 the records pertaining to the Indian individual or child  
26 13 maintained pursuant to this section. The records shall also  
26 14 be made available upon the request of the descendants of the  
26 15 Indian individual or child. A record shall be made available  
26 16 within seven days of a request for the record by any person  
26 17 authorized by this subsection to make the request.

26 18 6. Upon application of an Indian individual who is  
26 19 eighteen years of age or older and was the subject of an  
26 20 adoptive placement, the court that entered the final decree  
26 21 shall inform the individual regarding the individual's tribal  
26 22 affiliation and any of the individual's biological parents,  
26 23 and shall provide such other information as may be necessary  
26 24 to protect any rights arising from the individual's tribal  
26 25 affiliation. In addition, the court shall provide the  
26 26 individual, through an appropriate order, if necessary, with  
26 27 information described in subsection 2 as may be secured from  
26 28 the records maintained pursuant to subsection 2.

26 29 7. If a parent of an Indian child wishes to remain  
26 30 anonymous, identifying records concerning any such parent  
26 31 shall not be released unless necessary to secure, maintain, or  
26 32 enforce the Indian child's right to enrollment or membership  
26 33 in the child's Indian tribe, for determining a right or  
26 34 benefit associated with the enrollment or membership, or for  
26 35 determining a right to an inheritance.

27 1 Sec. 15. NEW SECTION. 232B.14 COMPLIANCE.

27 2 1. The department of human services, in consultation with  
27 3 Indian tribes, shall establish standards and procedures for  
27 4 the department's review of cases subject to this chapter and  
27 5 methods for monitoring the department's compliance with  
27 6 provisions of the federal Indian Child Welfare Act and this  
27 7 chapter. These standards and procedures and the monitoring  
27 8 methods shall be integrated into the department's structure  
27 9 and plan for the federal government's child and family service  
27 10 review process and any program improvement plan resulting from  
27 11 that process.

27 12 2. A court of competent jurisdiction shall vacate a court  
27 13 order and remand the case for appropriate disposition for any  
27 14 of the following violations of this chapter:

27 15 a. Failure to notify an Indian parent, Indian custodian,  
27 16 or tribe.

27 17 b. Failure to recognize the jurisdiction of an Indian  
27 18 tribe.

27 19 c. Failure, without cause as specified under this chapter,  
27 20 to transfer jurisdiction to an Indian tribe appropriately  
27 21 seeking transfer.

27 22 d. Failure to give full faith and credit to the public  
27 23 acts, records, or judicial proceedings of an Indian tribe.

27 24 e. Failure to allow intervention by an Indian custodian or  
27 25 Indian tribe, or if applicable, an extended family member.

27 26 f. Failure to return the child to the child's parent or  
27 27 Indian custodian when removal or placement is no longer  
27 28 necessary to prevent imminent physical damage or harm.

27 29 g. Failure to provide the testimony of qualified expert  
27 30 witnesses as required by this chapter.

27 31 h. Any other violation that is not harmless error,  
27 32 including but not limited to a failure to comply with 25  
27 33 U.S.C. } 1911, 1912, 1913, 1915, 1916, or 1917.

27 34 3. If a petitioner in an Indian child custody proceeding  
27 35 before a state court has improperly removed the child from the  
28 1 custody of the child's parent or Indian custodian or has  
28 2 improperly retained custody after a visit or other temporary  
28 3 relinquishment of custody, the court shall decline  
28 4 jurisdiction over the petition and shall immediately return  
28 5 the child to the child's parent or Indian custodian unless  
28 6 returning the child to the parent or Indian custodian would  
28 7 subject the child to a substantial and immediate danger or  
28 8 threat of such danger.

28 9 Sec. 16. Section 600.1, Code 2003, is amended by adding  
28 10 the following new unnumbered paragraph:

28 11 NEW UNNUMBERED PARAGRAPH. If a proceeding held under this  
28 12 chapter involves an Indian child as defined in section 232B.3  
28 13 and the proceeding is subject to the Iowa Indian child welfare  
28 14 Act under chapter 232B, the proceeding and other actions taken  
28 15 in connection with the proceeding or this chapter shall comply  
28 16 with chapter 232B. In any proceeding held or action taken  
28 17 under this chapter involving an Indian child, the applicable  
28 18 requirements of the federal Adoption and Safe Families Act of  
28 19 1999, Pub. L. No. 105-89, shall be applied to the proceeding  
28 20 or action in a manner that complies with chapter 232B and the  
28 21 federal Indian Child Welfare Act, Pub. L. No. 95-608.

28 22 Sec. 17. Section 600A.3, Code 2003, is amended by adding  
28 23 the following new unnumbered paragraph:  
28 24 NEW UNNUMBERED PARAGRAPH. If a proceeding held under this  
28 25 chapter involves an Indian child as defined in section 232B.3  
28 26 and the proceeding is subject to the Iowa Indian child welfare  
28 27 Act under chapter 232B, the proceeding and other actions taken  
28 28 in connection with the proceeding or this chapter shall comply  
28 29 with chapter 232B. In any proceeding held or action taken  
28 30 under this chapter involving an Indian child, the applicable  
28 31 requirements of the federal Adoption and Safe Families Act of  
28 32 1999, Pub. L. No. 105-89, shall be applied to the proceeding  
28 33 or action in a manner that complies with chapter 232B and the  
28 34 federal Indian Child Welfare Act, Pub. L. No. 95-608.

28 35 Sec. 18. COMPLIANCE ACTIVITIES. The initial review of  
29 1 compliance with the requirements of chapter 232B made pursuant  
29 2 to section 232B.14, as enacted by this Act, shall be completed  
29 3 by June 30, 2004.

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MARY E. KRAMER  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

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29 15 I hereby certify that this bill originated in the Senate and  
29 16 is known as Senate File 354, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

29 21

29 22 Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK

29 26 Governor

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